



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,922	09/26/2003	Alex Ezra Cable	9314.0027	9462

22852 7590 06/25/2007  
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
901 NEW YORK AVENUE, NW  
WASHINGTON, DC 20001-4413

EXAMINER
----------

LUONG, VINH

ART UNIT	PAPER NUMBER
----------	--------------

3682

MAIL DATE	DELIVERY MODE
-----------	---------------

06/25/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/672,922

Applicant(s)

CABLE ET AL.

Examiner

Vinh T. Luong

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) 45-71 and 74-76 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44, 72 and 73 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/2/07, 1/18/07, 9/26/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
Vinh T. Luong  
Primary Examiner

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)            | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachment</u> .                       |

Art Unit: 3682

1. Applicant's election with traverse of Group I and the species of FIGS. 1A, 1B, 2A, 2B, 3, 4A, 4B, and 5 in the reply filed on April 2, 2007 is acknowledged. The traversal is on the ground(s) that the examination of the application in total would not present a serious burden to the Examiner. This is not found persuasive because the Examiner respectfully submits, *inter alia*, that:

(a) Contrary to Applicant's conclusory statement, the examination of the application in total presents a serious burden to the Examiner. In fact, the different classification, divergent subject matter, and different field of search of Groups I-III impose serious burden to exam all Groups I-III. See pages 2-4 of the restriction requirement on March 2, 2007. In addition, the independent or distinct species due to their materially different design, mode of operation, or effect further renders undue burden to exam all species. See page 4 of the restriction requirement; and

(b) The inventions and/or species are patentably distinct. Applicant apparently conceded to this fact as evidenced by Applicant's statement "Applicants do not make any statement regarding the obviousness of one group relative to the other, nor should one be inferred." See page 6 of the response on April 2, 2007. The patentably distinct claimed inventions and/or species impose undue burden to examine the application in total. MPEP 802 and 803.

For the foregoing, the requirement is proper and is therefore made FINAL.

2. Claims 45-71 and 74-76 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention and/or species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on April 2, 2007.

Art Unit: 3682

3. The drawings were received on April 2, 2007. These drawings are not accepted by the Examiner because of the reasons, *inter alia*, listed below:

(a) The amended drawings are not in compliance with 37 CFR 1.121. For example, the drawings are inconsistent with the specification. See 37 CFR 1.121(e). The drawings show FIG. 1F, but the Brief Description of the Drawings does not describe FIG. 1F as seen in the amendment to the specification filed on April 2, 2007; and

(b) The drawings are not in compliance with 37 CFR 1.84. For examples:

(1) It is unclear whether FIG. 1G shows a plan view or a sectional view. See 37 CFR 1.84(h). If FIG. 1G shows the cross-section, it must set out and show all of the materials as they are shown in the view from which the cross section was taken. 37 CFR 1.84(h)(3); and

(2) The drawings should show the plane upon which a sectional view, such as, FIG. 1C, 1E, etc. is taken. 37 CFR 1.84(h)(3).

4. The replacement drawings were received on January 18, 2007. These drawings are not accepted by the Examiner. See Office action on March 2, 2007.

5. The *original* drawings are objected to because the drawings are not in compliance with 37 CFR 1.84. See miscellaneous action on December 19, 2006 and Form PTO-948 attached.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must

Art Unit: 3682

be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. *The objection to the drawings will not be held in abeyance.*

6. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the claimed features, *e.g.*, listed below:

(a) The dowel pin 521 that engages both the housing 300 and the push rod 500 in Claims 4 and 28;

(b) The first threaded surface 410 that is an external threaded surface and the second threaded surface 420 that is an internal threaded surface in Claims 5 and 29;

(c) The first and second threaded surfaces that are both external threaded surfaces in Claims 6 and 30;

(d) The first and second threaded surfaces that are both internal threaded surfaces in Claims 8 and 32; and

(e) The motor in Claims 21, 24, 38, and 44

must be shown *or the features canceled from the claims. No new matter should be entered.*

7. Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a

Art Unit: 3682

basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:

- (1) if a machine or apparatus, its organization and operation;
- (2) if an article, its method of making;
- (3) if a chemical compound, its identity and use;
- (4) if a mixture, its ingredients;
- (5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

8. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

9. The abstract of the disclosure is objected to because the abstract: (a) uses the implied phrase, such as, "the present invention"; and (b) refers to purported merits or speculative applications of the invention. See its last sentence. Correction is required. MPEP § 608.01(b).

10. The listing of references in the specification (*e.g.*, Opto-Sigma in paragraph [0006] of the specification) is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of

Art Unit: 3682

all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609.04(a) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

10. The information disclosure statement filed on September 26, 2003, which is incorporated into the specification at paragraph [0006] fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document, *each non-patent literature publication*, or that portion which caused it to be listed, and *all other information or that portion* which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

11. The disclosure is objected to because of the following informalities: the disclosure has typographical or grammatical errors, *e.g.*, (a) "an outer 310 surface" in paragraph [0036] of the specification should have been changed to "an outer surface 310"; (b) "allen wrench" should have been changed to "Allen wrench"; and (c) "a course adjustment" in lines 5 and 6 of Claim 27 should have been changed to "a coarse adjustment." Appropriate correction is required.

12. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

13. Claims 4-6, 8, 21, 24, 28-30, 32, 38, and 44 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably

Art Unit: 3682

convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

First, Claims 4 and 28 claim the dowel pin 521 that engages both the housing/main body 300 and the push rod 500. However, the drawings, such as, FIGS. 1A and 1C, show that the dowel pin 521 is an aperture formed in the push rod 500 and is spaced apart from the housing 300. Therefore, the dowel pin does not engage the housing 300 as shown in the drawings. It is unclear as to how Applicant's dowel pin 521 engages both the housing 300 and the rod 500 as claimed.

Second, Claims 5 and 29 claim the first threaded surface 410 being an external threaded surface and the second threaded surface 420 being an internal threaded surface in Claims 5 and 29. However, the specification (paragraph [0035]) merely describes and the drawings, such as, FIG. 3 merely show the first threaded surface 410 being an internal threaded surface and the second threaded surface 420 being an external threaded surface. It is unclear as to how Applicant makes/uses the first threaded surface 410 being an external threaded surface and the second threaded surface 420 as claimed and how such sleeve 400 is structurally interconnected with other claimed elements.

Third, Claims 6 and 30 claim the first and second threaded surfaces 410 and 420 being both external threaded surfaces. However, the specification (paragraph [0035]) merely describes and the drawings, such as, FIG. 3 merely show the first threaded surface 410 being an internal threaded surface and the second threaded surface 420 being an external threaded surface. It is unclear as to how Applicant makes/uses the first and second threaded surfaces 410 and 420 being



Art Unit: 3682

external threaded surfaces and how such sleeve 400 is structurally interconnected with other claimed elements.

Fourth, Claims 8 and 32 claim the first and second threaded surfaces being both internal threaded surfaces. However, the specification (paragraph [0035]) merely describes and the drawings, such as, FIG. 3 merely show the first threaded surface 410 being an internal threaded surface and the second threaded surface 420 being an external threaded surface. It is unclear as to how Applicant makes/uses the first and second threaded surfaces 410 and 420 being internal threaded surfaces and how such sleeve 400 is structurally interconnected with other claimed elements.

Fifth, Claims 21, 24, 38, and 44 claim the motor. However, the drawings do not show the motor and the specification (paragraph [0065]) does not disclose as to how the un-illustrated motor is structurally connected to the other claimed element in order to perform the coarse adjustment. It is unclear as to how Applicant makes/uses the motor and how such motor is structurally interconnected with other elements in order to be the coarse adjustment tool as claimed.

14. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

15. Claims 10-21, 33-35, 72, and 73 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "*about*" in Claims 10-21, 33, and 34 is a relative term which renders the claims indefinite. The term "about" is not defined by the claims, the specification does not provide a

Art Unit: 3682

standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. It is unclear, e.g., what range of length dimensions is considered to be “*about* 1 inch in length.”

The term “*can engage*” in Claims 13 and 35 is vague and indefinite in the sense that things, which may be done, are not required to be done. For example, the main body 300 can, but is not required structurally to be engaged with the mount threaded surface in a component mount. See “discardable” in *Mathis v. Hydro Air Industries*, 1 USPQ2d 1513, 1527 (D.C. Calif. 1986), “crimpable” in *Application of Collier*, 158 USPQ 266 (CCPA 1968), “removable” in *In re Burke Inc.*, 22 USPQ2d 1368, 1372 (D.C. Calif. 1992), and “comparable” in *Ex parte Anderson*, 21 USPQ2d 1241, 1249 (BPAI 1992).

It is unclear which structure(s) perform(s) the means-plus-function language, such as, “means for activating the means for differential adjusting with a tool” in Claim 72. It is well settled that: “[i]f one employs means-plus-function language in a claim, one must set forth in the specification an adequate disclosure showing what is meant by that language.” *In re Donaldson Co. Inc.*, 29 USPQ2d 1845, 1850 (Fed. Cir. 1994) and *In re Dossel*, 42 USPQ2d 1881, 1884 (Fed. Cir. 1997). Applicant is respectfully urged to identify each claimed means-plus-function with reference to the drawings.

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3682

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 1-3, 5-9, 22, 23, 25-27, 29-32, 36, 37, 39-43, and Claims 10-20 and 33-35, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Cable (US Patent No. 6,186,016 B1).

Regarding Claim 1, Cable teaches a differential adjuster, comprising: an intermediate actuator sleeve 3 with a first threaded surface 24, a second threaded surface 35, and a tool interface (at 48 in FIG. 1, see Attachment hereinafter "Att.").

Cable teaches the invention substantially as claimed. However, Cable does not explicitly teach the first threaded surface containing threads that are a different pitch than the second threaded surface.

It is common knowledge in the art to form Cable's first threaded surface containing threads that are a different pitch than Cable's second threaded surface in order to provide very fine and/or precise adjustments as evidenced by Applicant's description in paragraph [0004] of the specification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form Cable's first threaded surface containing threads that are a different

Art Unit: 3682

pitch than Cable's second threaded surface in order to provide very fine and/or precise adjustments as taught or suggested by common knowledge in the art.

Regarding Claim 2, Cable teaches a rotationally constrained push rod 5 that engages the second threaded surface 35 (FIGS. 2 and 3), the push rod 5 moving at a rate related to the difference in pitch between the first threaded surface 24 and the second threaded surface 35 when the intermediate actuator sleeve 3 is rotated relative to a housing 1 that engages the first threaded surface 25. Cable, col. 2, line 6+. Moreover, note that referring the differential adjuster to the merely inferentially included element or intended use element, such as, the tool that engages the tool interface of the intermediate actuator sleeve is not accorded patentable weight.

Regarding Claim 3, the housing 1 and the push rod 5 are arranged so that the push rod 5 is capable of being rotationally constrained with respect to the housing 1. See FIGS. 2 and 3.

Regarding Claim 5, the first threaded surface 24 is an external threaded surface and the second threaded surface 35 is an internal threaded surface. See FIG. 1.

Regarding Claim 6, Cable teaches the first threaded surface 24 being external threaded surface. Moreover, Cable's second threaded surface 35 is equivalent to the external threaded surface 26. See MPEP 2144.06.

Regarding Claim 7, Cable's first threaded surface 24 is equivalent to the internal threaded surface 25 (FIG. 2) and Cable's second threaded surface 35 is equivalent to the external threaded surface 26. See MPEP 2144.06 *supra*.

Regarding Claim 8, Cable's first threaded surface 24 is equivalent to the internal threaded surface 25 and Cable's second threaded surface 35 is internal threaded surface.

Regarding Claim 9, the housing 1 is a main body.

Regarding Claim 10, to choose the dimension of the main body 1 to be less than about 1 inch in length would have been a matter of choice in design since the claimed structures and the function they perform are the same as the prior art. *In re Chu*, 66 F.3d 292, 36 USPQ2d 1089 (Fed. Cir. 1995) citing *In re Gal*, 980 F.2d 717, 719, 25 USPQ2d 1076, 1078 (Fed. Cir. 1992). See also legal precedent regarding changes in size/proportion in MPEP 2144.04.

Regarding Claim 11, the main body 1 includes a main body tool interface 10 for allowing a second tool 2 to rotate the main body 1.

Regarding Claim 12, the main body 1 includes a threaded surface 10 (col. 1, line 51+).

Regarding Claim 13, the main body 1 *can* engage a mount threaded surface in a component mount 2 (col. 1, line 51+).

Regarding Claim 14, the main body threaded surface 10 is capable of providing a coarse adjustment. *Ibid.* col. 1, line 65+.

Regarding Claim 15, see regarding Claim 10 above.

Regarding Claim 16, to choose the dimension of the main body to be less than about 0.25 inch in diameter would have been a matter of choice in design since the claimed structures and the function they perform are the same as the prior art. *In re Chu, supra*.

Regarding Claim 17, see a knob 4 *operatively* coupled to the main body 1 to provide a coarse adjustment, the knob 4 defining an opening (Att.) allowing access to the tool interface.

Regarding Claim 18, the main body 1 includes a coarse tool interface 10 to affect the coarse adjustment. *Ibid.* col. 1, line 65+.

Regarding Claims 19 and 22, the coarse tool interface 10 accommodates a coarse adjustment tool, the coarse adjustment tool 22 chosen from the group consisting of a spanner

Art Unit: 3682

wrench, a socket, a screw driver, a ball driver, and an Allen wrench. By comparison, Cable's tool 22 is similar to Applicant's tool 800 illustrated in Applicant's FIG. 6. Therefore, Cable's tool 22 "reads on" the claimed tool from the Markush group in the claim in view of Applicant's lack of showing of the screwdriver, ball driver, Allen wrench, etc.

Regarding Claims 20 and 23, the coarse adjustment tool includes a knob or handle 22.

Regarding Claim 25, the housing 1 is a component mount or positioner that engages the first threaded surface 24 of the intermediate actuator sleeve 3 (FIGS. 2 and 3).

Regarding Claim 26, the push rod 5 includes a ball bearing 32.

Regarding Claim 27, Cable teaches a differential adjuster, comprising: an intermediate actuator sleeve 3 including a first threaded surface 24 and a second threaded surface 35; a main body 1 engaged with the first threaded surface 24 of the intermediate actuator sleeve 3, the main body 1 including a threaded surface 10 to provide a coarse adjustment; and a push-rod 5 engaged with the second threaded surface 35 of the intermediate actuator sleeve 3 and operatively coupled to the main body 1 to restrict the relative rotational motion between the push-rod 5 and the main body 1, wherein the main body includes a coarse tool interface 10, 12.

It is common knowledge in the art to form Cable's first threaded surface containing threads that are a different pitch than Cable's second threaded surface in order to provide very fine and/or precise adjustments as evidenced by Applicant's description in paragraph [0004] of the specification.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form Cable's first threaded surface containing threads that are a different

Art Unit: 3682

pitch than Cable's second threaded surface in order to provide very fine and/or precise adjustments as taught or suggested by common knowledge in the art.

Regarding Claims 29-37, see regarding Claims 5-8, 10, 16, 13, 19, and 20 above.

Regarding Claim 39, the intermediate actuator sleeve 3 is coupled to a knob 4 to affect a differential adjustment.

Regarding Claim 40, the coarse tool interface accommodates a spanner wrench 18, 22.

Regarding Claim 41, the intermediate actuator sleeve 3 includes a tool interface (at 48 in FIG. 1, see Att.).

Regarding Claim 42, the tool interface (Att.) of the intermediate actuator sleeve 3 is capable of accommodating an adjustment tool, the adjustment tool chosen from the group consisting of a spanner wrench, a socket, a screw driver, a ball driver, and an Allen wrench. Moreover, note that referring the differential adjuster to the merely inferentially included element or intended use element, such as, the tool that engages the tool interface of the intermediate actuator sleeve is not accorded patentable weight.

Regarding Claim 43, the differential adjustment tool includes a knob or handle 22.

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20. Claims 72 and 73, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Cable.

Art Unit: 3682

Regarding Claim 72, Cable teaches a differential adjuster, comprising: means for differential adjusting 1, 2 (col. 1, line 66+); and means 4 for activating the means for differential adjusting with a tool 18, 22.

Regarding Claim 73, see means 24, 25, etc. for performing a coarse adjustment. *Ibid.* Claims 1-9.

21. Claims 72 and 73, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Hall et al. (US Patent No. 4,617,833).

Regarding Claim 72, Hall teaches a differential adjuster, comprising: (threaded) means for differential adjusting and means 4 for activating the means for differential adjusting with a tool 19.

Regarding Claim 73, see means 1, 2 for performing a coarse adjustment. See Claims 1-10 and col. 1, line 10+.

22. Claims 4, 21, 24, 28, 38, and 44 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112 set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

23. As allowable subject matter has been indicated, applicant's reply must either comply with all formal requirements or specifically traverse each requirement not complied with. See 37 CFR 1.111(b) and MPEP § 707.07(a).

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Chou (sleeve 18), Stranberg (sleeve 6), Walker (sleeve 36), Roger et al. (sleeve in FIG. 8), and Banes et al. (sleeve 11).



Art Unit: 3682

25. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Luong

June 19, 2007



Vinh T. Luong  
Primary Examiner

# ATTACHMENT

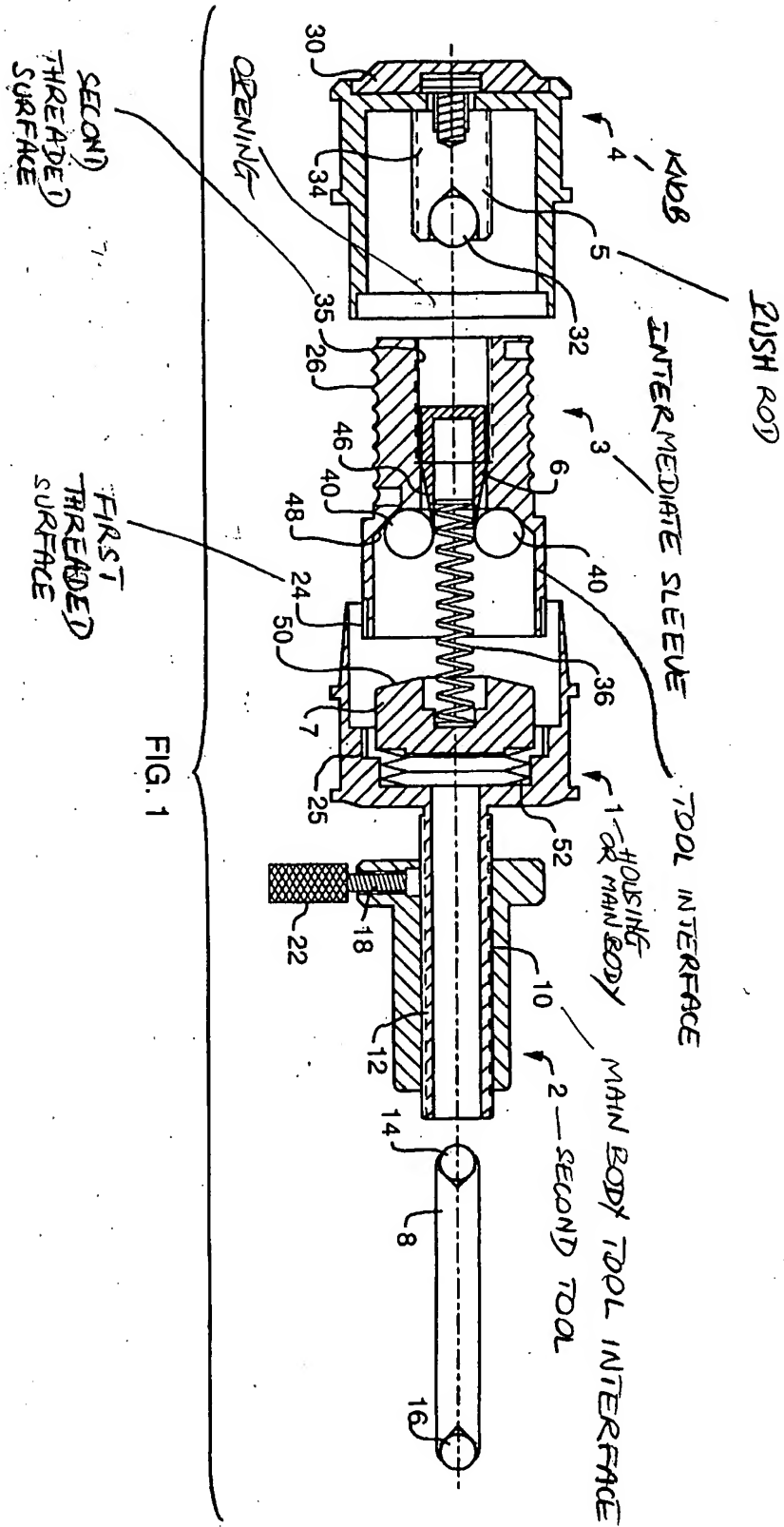


FIG. 1

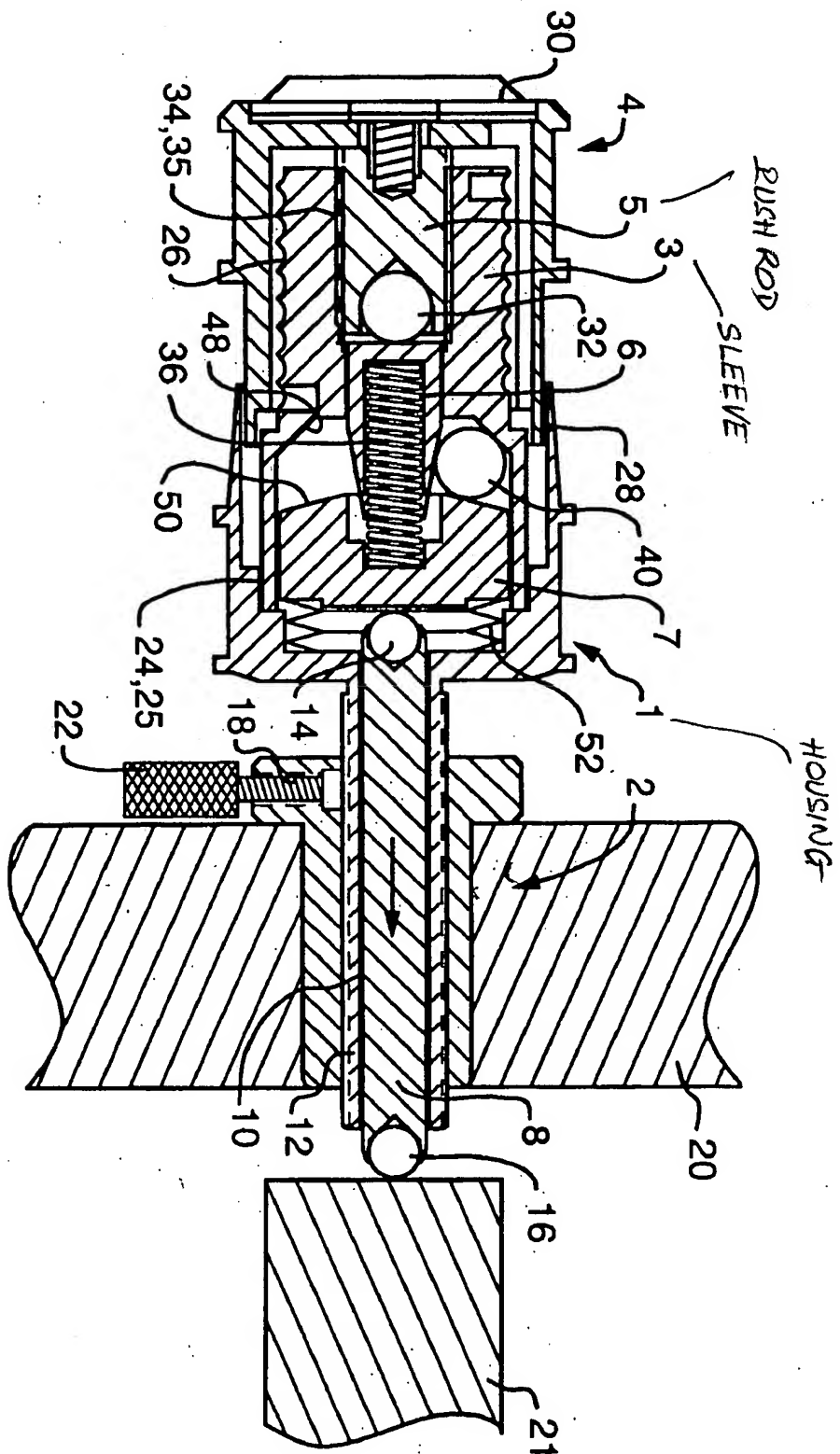


FIG. 2

PAGE 2 OF 2

4